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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/266,922	03/12/1999	TOKUNORI KATO	102460	6407

25944 7590 03/27/2003

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EXAMINER

POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
2622	11

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/266,922	KATO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Joseph R. Pokrzywa	2622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 3/5/03 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

a)  The period for reply expires 6 months from the mailing date of the final rejection.

b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.  The proposed amendment(s) will not be entered because:

- (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
- (b)  they raise the issue of new matter (see Note below);
- (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

4.  Newly proposed or amended claim(s) \_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: of the reasons discussed in the attached Office action.

6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The proposed drawing correction filed on \_\_\_\_ is a) approved or b) disapproved by the Examiner.

9.  Note the attached Information Disclosure Statement(s) ( PTO-1449) Paper No(s). \_\_\_\_\_.

10.  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### *Advisory Action*

1. The period for reply continues to run 6 MONTHS from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the appropriate fee. The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. A reply within the meaning of 37 CFR 1.113 or a request for a continued examination (RCE) in compliance with 37 CFR 1.114 must be timely filed to avoid abandonment of this application.

### *Response to Amendment*

2. The request for reconsideration has been entered and considered but does not overcome the rejection because of the following reasons.
3. In response to applicant's argument on pages 2 and 3, with respect to the rejection of claims 1 and 12, as being anticipated by Hiyokawa *et al.* (U.S. Patent Number 6,333,702), stating that Hiyokawa fails to teach of initializing the second memory on the basis of parameters for a selected geographical division, as Hiyokawa fails to teach if the CPU transfers or copies programs and or/data to the flash memory or RAM *based on parameters for a selected geographical division*, since the programs in Hiyokawa are transferred when the storage medium is set onto the navigation device, when the power source circuit of the navigation device is closed, or according to an instruction from the operator, as read in column 8, lines 9 through 17.

Hiyokawa teaches that the control device (CPU 2) initializes the second memory (flash memory 3 or RAM 4) on the basis of parameters for a selected geographical division, read in column 8, lines 18 through 30, wherein the flash memory 3 or RAM 4 are loaded with navigation processing programs, as well as other data, such as “indication guide data, voice guidance data, and picture data showing a simple guide route”. Further, as read in column 12, lines 34 through 43, “[w]hen the destination is set, the processings (steps 64 to 70) are executed to search a new guide route. ... The route that is identified is stored in the RAM 4 as the guide route data MW (step 70).” Thus, based on a selected destination, or geographical division, by the user, the control device initializes the second memory, thereby teaching of “a control device that initializes the second memory on the basis of parameters for a selected geographical division, the parameters for the selected geographical division being read from the first memory”, as currently required in ***claim 1***, along with a corresponding method in ***claim 12***.

4. Therefore, the rejection of independent **claims 1 and 12**, as cited in the final Office action dated 10/22/02, under 35 U.S.C. 102(e), as being anticipated by Hiyokawa *et al.*, is maintained.

5. Further, in response to applicant’s argument regarding the rejection of **claims 7 and 17**, which state on pages 3 and 4, that Hiyokawa fails to teach if the determining device determines whether the specification stored in the second specification storing device is a predetermined specification and the control device performs a control such that the main program starts, if the determining device determines that the specification stored in the second specification storing device is a predetermined specification, since nowhere does Hayakawa disclose determining

whether the coordinate position on the road map or house map, or if the zip code are predetermined specifications. The examiner notes that Hiyokawa teaches of a plurality of specifications (column 5, lines 47 through 57, and column 8, lines 18 through 25) stored in a first specification storing device (storage medium 37), whereby a specification is interpreted as a navigation processing program, along with guide data. Further, Hiyokawa teaches of a determining device (CPU 2) that determines whether the specification stored in the second specification storing device (flash memory 3 or RAM 4) is a predetermined specification, whereby as read in column 12, lines 27 through 43, and seen in Figs. 7, 8, and 10, the CPU 2 determines the start and end points of a guide route by the read present position, as seen in step 80, column 13, lines 9 through 54, thereby interpreted as a predetermined specification stored in the second specification storing device. Next, Hiyokawa teaches that a control device (CPU 2) performs a control such that a main program starts (see Figs. 6 and 7, column 11, line 12 through column 12, line 43), if the determining device determines that the specification stored in the second specification storing device is the predetermined specification (column 12, line 34 through column 13, line 54).

6. Therefore, the rejection of independent **claim 7**, along with the corresponding method in **claim 17**, as cited in the final Office action dated 10/22/02, under 35 U.S.C. 102(e), as being anticipated by Hiyokawa *et al.*, is maintained.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

J.P.P.  
Joseph R. Pokrzywa  
Examiner  
Art Unit 2622

jrp  
March 26, 2003

  
EDWARD COLES  
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